

Attorney Docket No.: 01CON218P-CIP
Application Serial No.: 10/631,947

REMARKS

This is in response to the *Non-Final* Office Action of May 30, 2008, where the Examiner has rejected claims 1, 3, 6, 7, 9, 13, 15, 18 and 20. By the present amendment, applicant has amended claims 13 and 18. After the present amendment, claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 remain pending in the present application. An early allowance of outstanding claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 in view of the following remarks is requested.

A. Rejection of Claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 under 35 USC § 103(a)

Applicant appreciates the Examiner's withdrawal of the previous rejection of claims 1, 3, 6, 7, 9, 13, 15, 18 and 20, under 35 USC § 103(a), as being unpatentable over Wildfeuer, et al. (USPN 6,829,244) ("Wildfeuer") in view of McNeill, et al. (USPN 7,161,962) ("McNeill"), and further in view of ("RTP Payload for DTMF Digits, Telephone Tones and Telephone Signals," RFC 2833, IETF, May 2000) ("RFC-2833").

Although the Examiner withdrew the rejection in view of Applicant's remarks in support of patentable distinctions in the Appeal Brief, in the Office Action of May 30, 2008, the Examiner has rejected claims 1, 3, 6, 7, 9, 13, 15, 18 and 20, under 35 USC § 103(a), as being unpatentable over AAPA in view of Schulzrinne, et al. ("RTP Payload for DTMF Digits, Telephony Tones and Telephony Signals," Internet-Draft, November 28, 1999, IETF) ("Schulzrinne"). For the reasons stated below, Applicant respectfully disagrees.

Applicant respectfully submits that AAPA and Schulzrinne, individually or in combination, fail to disclose, teach or suggest the following elements of claim 1: "detecting an answer tone transmitted from said first modem over said first communication line in response to said placing; transmitting a first message indicative of said answer tone to said second gateway

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device over said packet network; detecting a phase reversal in said answer tone; and transmitting a second message indicative of said phase reversal to said second gateway device over said packet network.”

With respect to AAPA, as acknowledged by the Examiner on page 3, lines 18-20, of the Office Action, dated May 30, 2008, “AAPA fails to disclose transmitting a first message to indicate an answer tone to the second gateway over the packet network and sending a second message indicating a phase reversal to the second gateway over the packet network.”

However, the Examiner alleges that the above-recited elements of claim 1 are disclosed by Schulzrinne, see Office Action, page 4, line 19 – page 5, line 4:

Schulzrinne discloses a method for telephone gateways connected to packet networks where the gateway sends an encoded audio event packet (pg 3, section 3.2; event packet is a message) for fax-related tones (pg 8, section 3.11) including an ANS (answer tone) and /ANS (answer tone with phase reversals) encoded with decimal values 32 and 33 (pg 10, table 3). The audio event is sent by a gateway to another gateway or receiver (pg 2, Section 2, last partial paragraph) as soon as the audio event is recognized or detected (pg 5, section 3.6, first sentence). (emphasis added.)

Applicant respectfully submits that because the phase reversal appears every 450ms, “the audio event” for either ANS or /ANS is not recognized or detected in Schulzrinne until over 450ms into the answer tone detection. Applicant respectfully submits that there is no disclosure, teaching or suggestion in Schulzrinne that an audio event distinguishing ANS and /ANS (or ANSam or /ANSam) occurs prior to 450ms after the start of the answer tone.

The Examiner alleges that merely because Schulzrinne provides messages for supporting modem tones ANS, /ANS, ANSam and /ANSam, Schulzrinne teaches that a combination of these messages can be sent during the same call. Applicant respectfully submits that there is no disclosure, teaching or suggestion in Schulzrinne that when a first gateway modem detects an

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answer tone, the first gateway modem transmits an ANS message to a second gateway modem, and that when the first gateway modem later detects a phase reversal in the answer tone, the first gateway modem transmits an /ANS message to the second gateway modem following the transmission of the ANS message. Also, there is no disclosure, teaching or suggestion in Schulzrinne that when a first gateway modem detects a modulated answer tone, the first gateway modem transmits an ANSam message to a second gateway modem, and that when the first gateway modem later detects a phase reversal in the answer tone, the first gateway modem transmits an /ANSam message to the second gateway modem following the transmission of the ANSam message.

Rather, Schulzrinne merely defines the messages, and does not describe various schemes for utilization of the messages, as that is beyond the scope of Schulzrinne. Further, conventional schemes, which use Schulzrinne messages, after detecting the answer tone, wait to determine whether the answer tone includes a phase reversal, and if there is no phase reversal, transmit a single message, such as ANS or ANSam, to the second gateway modem, and if there is a phase reversal, transmit a single message, such as /ANS or /ANSam, to the second gateway modem. Applicant respectfully submits that the AAPA and Schulzrinne, individually or in combination, fail to disclose, teach or suggest anything more than the conventional art, and that more than a single message is transmitted for detecting an answer tone with phase reversal.

Applicant respectfully submits that because the phase reversal appears every 450ms, transmission of a single message creates a delay, because it would require the first gateway to wait for the phase reversal to occur before determining the type of message to be sent to the second gateway. As a result, the second gateway cannot start generating an answer for its local client modem until the single message arrives from the first gateway. In contrast, the invention

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of claim 1 provides for separate messages, and as a result, the second gateway can receive the answer tone message first and start generating an answer tone, without any delay, while the first gateway is determining a phase reversal to send a second message to the second gateway.

In further support of the above remarks, Applicant respectfully directs the Examiner's attention to the accompanying evidence in Appendices A, B and, which clearly show that not only those of ordinary skill in the art did not interpret Schulzrinne to disclose what the Examiner has alleged, but, in fact, even "experts" in the field understood that Schulzrinne had a major shortcoming that needed to be cured in a revised RFC 2833. To this end, the Examiner's attention is respectfully directed to Appendix A, a Cisco message, dated October 26, 2002 (about three years after Schulzrinne), which reads:

Since at least 450 ms is needed to detect a phase reversal, it is not possible to discriminate between ANS and /ANS before 450 ms. However, this results in an unacceptable delay in informing the far end that a 2100 Hz signal (whatever its variant) has been detected. It takes less than 200 ms to detect that fact that this is a 2100 Hz signal. (emphasis added.)

Question 1: Does RFC 2833 consider it acceptable to send an ANS event (200 ms) and then an /ANS event (450 ms), thereby using the /ANS event as an "update" of the ANS event? The same consideration would apply to ANSam and /ANSam. This would change how you have defined these events in RFC 2833. (emphasis added.)

Next, in Appendix B, on October 30, 2002, and in response to the Cisco message, Change #2 for a revised RFC 2833 is drafted, which reads:

An ANS or ANSam event packet should not be sent until it is possible to discriminate between an ANS and ANSam event. It is however, permissible to send an ANS or ANSam event packet before phase reversals can be detected. Phase reversals, if any, occur at intervals of 450 +/- 25 ms. If a phase reversal is detected after an ANS or ANSam event packet is sent, it must be followed by the transmission of an /ANS or /ANSam event packet.

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Finally, in Appendix C, on November 4, 2002, a revised version of RFC 2833 is provided (also see <http://www.cs.columbia.edu/~hgs/rtp/drafts/draft-ietf-avt-rfc2833bis-02.txt> and <http://www.cs.columbia.edu/~hgs/rtp/drafts/draft-ietf-avt-rfc2833bis-02.pdf> (page 10)), which reads:

An ANS or ANSam event packet should not be sent until it is possible to discriminate between an ANS and ANSam event. It is however, permissible to send an ANS or ANSam event packet before phase reversals can be detected. Phase reversals, if any, occur at intervals of 450 +/- 25 ms. If a phase reversal is detected after an ANS or ANSam event packet is sent, it must be followed by the transmission of an /ANS or /ANSam event packet. (emphasis added.)

In view of the above evidence, applicant respectfully submits that Schulzrinne does not disclose, teach or suggest to one of ordinary skill in the art the following elements of claim 1 “detecting an answer tone transmitted from said first modem over said first communication line in response to said placing; transmitting a first message indicative of said answer tone to said second gateway device over said packet network; detecting a phase reversal in said answer tone; and transmitting a second message indicative of said phase reversal to said second gateway device over said packet network.” As stated above, in the Cisco message, even an expert in the field raised a question about the shortcoming in the then RFC 2833, requested a change to RFC 2833, and stated that addressing the shortcoming would in fact change how you (i.e. IETF) have defined these events in RFC 2833.

Accordingly, for the reasons stated above, Applicant respectfully submits that claim 1 is patentably distinguishable over AAPA and Schulzrinne, individually or in combination, and should be allowed. Further, independent claims 7, 13 and 18 should also be allowed for similar reasons. Also, claims 3, 6, 9, 15 and 20 depend from claims 7, 13 and 18, and should also be allowed.

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B. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1, 3, 6, 7, 9, 13, 15, 18 and 20 pending in the present application is respectfully requested.

Respectfully Submitted,
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